

#6



PATENT  
Customer No. 22,852  
Attorney Docket No. 03495-0151-02000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
)  
Vincent SANCHIS, et al. ) Group Art Unit: 3751  
)  
Application No.: 09/918,485 ) Examiner: Not yet assigned  
)  
Filed: August 1, 2001 )  
)  
For: NUCLEOTIDE SEQUENCES )  
CODING FOR POLYPEPTIDES )  
ENDOWED WITH A LARVICIDAL )  
ACTIVITY TOWARD )  
LEPIDOPTERA )

RECEIVED  
NOV 29 2001  
TECHNOLOGY CENTER R3700

Commissioner for Patents and Trademarks  
Washington, DC 20231

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

Copies of the listed documents, including any copending patent applications, are attached. Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed

LAW OFFICES

FINNEGAN, HENDERSON,  
FARABOW, GARRETT,  
& DUNNER, L.L.P.  
1300 I STREET, N. W.  
WASHINGTON, DC 20005  
202-408-4000

documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

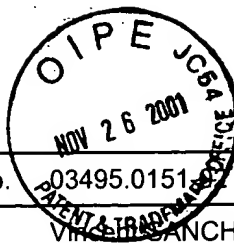
If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: November 26, 2001

By: Rebecca M. McNeill  
for Leslie A. McDonell Reg. No.  
Reg. No. 34,872 43,796



## INFORMATION DISCLOSURE CITATION

Atty. Docket No.	03495.0151	Serial No.	09/918,485
Applicant	VINCE SANCHIS et al.		
Filing Date	August 1, 2001	Group:	3751

## U.S. PATENT DOCUMENTS

Examiner Initial*	Document Number	Issue Date	Name	Class	Sub Class	Filing Date If Appropriate
	5,126,133	06/30/92	Payne et al.	424	93 L	
	5,188,960	02/23/93	Payne et al.	435	252.3	
	5,246,852	09/21/93	Payne et al.	435	252.31	
	5,593,881	01/14/97	Thompson et al.	435	240.1	
	5,596,071	01/21/97	Payne et al.	530	350	
	5,602,032	02/11/97	Liu et al.	435	252.31	

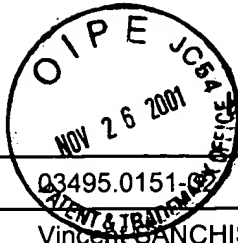
RECEIVED  
NOV 29 2001  
TECHNOLOGY CENTER R3700

## FOREIGN PATENT DOCUMENTS

Document Number	Date	Country	Class	Sub Class	Translation Yes or No
WO 95/02693	01/26/95	PCT			
EP 0 228 838 A2	07/15/87	EPO			
EP 295 156 B1	4/26/95	EPO			
EP 405 810 B1	01/02/91	EPO			

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

Gordon-Kamm, William J. et al., Transformation of Maize Cells and Regeneration of Fertile Transgenic Plants, <i>The Plant Cell</i> , 2: 603-618 (1990).
Honigman, Alik et al., Cloning and expression of the lepidopteran toxin produced by <i>Bacillus thuringiensis</i> var. <i>thuringiensis</i> in <i>Escherichia coli</i> , <i>Gene</i> , 42: 69-77 (1986).
Jaquet, Francoise et al., Specificity in <i>Bacillus thuringiensis</i> Delta-Endotoxin, <i>Applied and Environmental Microbiology</i> , 53: 500-504 (1987).
Klier, André et al., Cloning and Expression in <i>Escherichia coli</i> of the Crystal Protein Gene from <i>Bacillus thuringiensis</i> Strain aizawa 7-29 and Comparison of the Structural Organization of Genes from Different Serotypes, <i>Molecular Biology of Microbial Differentiation, Proceedings of the Ninth International Spore Conference, Asilomar, California, 3-6 September 1984</i> , pp. 217-224 (1985).
Suggs, Sidney V. et al., Use of synthetic oligonucleotides as hybridization probes: Isolation of cloned cDNA sequences for human $\beta_2$ -microglobulin, <i>Proc. Natl. Acad. Sci. USA</i> , 78: 6613-6617 (1981).
Vaeck, Mark et al., Transgenic plants protected from insect attack, <i>Nature</i> , 328: 33-37 (1987).



OMB No. 0651-0011

## INFORMATION DISCLOSURE CITATION

Atty. Docket No.	03495.0151-03	Serial No.	09/918,485
Applicant	VINCENT SANCHIS et al.		
Filing Date	August 1, 2001	Group:	3751

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)	
	Wabiko, Hiroetsu et al., <i>Bacillus thuringiensis</i> Entomocidal Protoxin Gene Sequence and Gene Product Analysis, DNA, 5: 305-314 (1986).
	Wong, Hing Cheung et al., Transcriptional and Translational Start Sites for the <i>Bacillus thuringiensis</i> Crystal Protein Gene, J. of Biological Chemistry, 258: 1960-1967 (1983).

Examiner	Date Considered
*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	
Form PTO 1449	Patent and Trademark Office - U.S. Department of Commerce

RECEIVED  
NOV 29 2001  
TECHNOLOGY CENTER R3700